

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the following remarks.

The Applicants previously submitted Claims 1-3, 6, and 8-11 in the application. Presently, the Applicants have neither amended, canceled nor added any claims. Accordingly, Claims 1-3, 6, 8 and 9-11 are currently pending in the application.

I. Rejection of Claims 1-3, 6 and 8-11 under 35 U.S.C. §103

The Examiner has rejected Claims 1-3, 6 and 8-11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,729,642 to Thamiyavarn ("Than") in view of U.S. Patent No. 4,671,605 to Soref ("Soref") and U.S. Patent No. 5,793,508 to Meli ("Meli"). Independent Claim 1 currently includes a number of elements each of which is neither taught nor suggested in the references. One such element is the claimed element that each of the plurality of fibers contains a separately switchable reflector, each of the separately switchable reflectors capable of being switched between reflection and transmission. Another such element is the claimed element that the curved regions of the fibers differ in radii of curvature to provide a successive series of monotonically different path lengths, the path lengths differing by a few millimeters or less to provide small delay time increments.

With regard to the first missing element, the Examiner states in the most recent Examiner's Action that Than fails to teach or suggest this element. (Page 3, second paragraph, of the Examiner's Action dated October 1, 2004). Similarly, Soref and Meli fail to teach or suggest this element. First, while Meli does teach that Bragg gratings are used as filters, it also teaches that the Bragg gratings reflect the radiation in a narrow wavelength band and transmit the radiation that is outside of that band. Thus, the Bragg gratings of Meli are acting as a filter and not a switch. Additionally, while the Bragg gratings of Meli are tunable, they are tunable for a single use, and not

switchable on the fly as those of the present invention are. Thus, again, the Bragg gratings of Meli are not capable of being switched between reflection and transmission, as claimed. Therefore, Meli fails to teach or suggest this element. Soref, on the other hand, is not being offered for the teaching that the plurality of separately switchable reflectors are switchable between reflection and transmission. Nevertheless, Soref also fails to teach or suggest this claimed element.

With regard to the second missing element, none of the references teaches or suggests that the curved regions of the fibers differ in radii of curvature to provide a successive series of monotonically different path lengths, the path lengths differing by a few millimeters or less to provide small delay time increments. Than does not teach that the path lengths differ by a few millimeters or less to provide a series of small, selectable delay increments. In Than, path-length variation is strictly incidental to other features which are not related to the present invention's goal of obtaining small, selectable delay increments. This is clear because Than provides no guidance, not even a suggestion, about how much the path lengths should differ from one another. In fact, with respect to Fig. 3 of Than, Than actually teaches that the respective path lengths may vary greatly. Great variations would be incompatible with the goal of obtaining small, selectable delay increments. Thus, not only does Than fail to teach or suggest every feature of the present invention, but moreover Than contains at least one particular teaching that leads away from the present invention.

As each of the references, that is Than, Meli and Soref, alone fail to teach or suggest the aforementioned claimed elements, the combination must also fail to teach or suggest these elements. Therefore, the combination of references has failed to establish a prima facie case of obviousness with respect to these elements. Claims 1-3, 6 and 8-11 are therefore not obvious in view of Than, Meli and Soref.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 1-3, 6 and 8-11 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

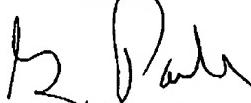
II. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-3, 6 and 8-11.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.



Greg H. Parker
Registration No. 44,995

Dated: 11-1-04

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800